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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

JUL 24 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Advanced Television Systems)
And Their Impact upon the)
Existing Television Broadcast Service)

MB Docket No. 87-268

To: The Commission

**OPPOSITION OF KTBC LICENSE, INC. TO COMMENTS AND WAIVER
REQUEST OF CORRIDOR TELEVISION LLP, LICENSEE OF KCWX,
FREDERICKSBURG, TEXAS TO CHANGE ITS TCD FROM CHANNEL 5 TO
CHANNEL 8**

KTBC License, Inc., ("KTBC"), licensee of television station KTBC, Austin, Texas, Facility ID Number 35649, hereby files the following Opposition to the Further Comments and Waiver Request of Corridor Television LLP ("Corridor"), licensee of KCWX, Fredericksburg, Texas to change its tentative DTV channel designation ("TCD") from channel 5 to channel 8.

KTBC's analog channel allocation is channel 7. KTBC's DTV allotment is channel 56. KTBC-DT currently is operating at its authorized maximized power level of 1000 kW effective radiated power ("ERP") pursuant to Construction Permit, File No. BMPCDT-20050808AGG, and its application for license is pending, File No. BLCDT-20060302ABP. As KTBC-DT's DTV allotment is out of core, KTBC-DT had little option but to elect to operate on channel 7, its current analog channel, after the digital transition. See File No. BFRECT -20050210AEL.

As Corridor's pleading states, it has sought to have KCWX-DT's TCD modified from channel 5 to channel 8. Commission staff has been unable to grant Corridor's

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selection of channel 8, because this would result in 0.55 percent predicted interference to KLRN-DT, channel 9, and 0.76 percent predicted interference to KTBC-DT, channel 7, in excess of the Commission's current 0.1 percent interference threshold.¹ KTBC was not willing to enter into an agreement with Corridor that would entail its acceptance of .76 percent additional interference, which would result in KTBC-DT's sacrificing 13,506 post-transition viewers, one of the undeniable consequences of KCWX-DT's operating on channel 8 after the DTV transition, according to the Commission's own technical analysis.

Therefore, Corridor seeks waiver of the Commission's current 0.1 percent interference threshold. Corridor argues that the Commission should not use its current 0.1 percent interference threshold in evaluating its waiver request, but instead should use the 0.5 percent standard it has proposed for use *after* the digital transition in its Notice of Proposed Rulemaking in the *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No.07-91, FCC 07-70, adopted April 25, 2007, released May 18, 2007 ("Third Periodic Review").

However, even if the Commission were to pre-judge the outcome of that rulemaking, in clear contravention of the Administrative Procedure Act, the interference caused to KTBC-DT by KCWX-DT's operating on channel 8 *still* would exceed the Commission's proposed 0.5 percent standard. As even Corridor recognizes, under the Commission's rounding methodology, 0.76 percent is considered 1.0 percent, clearly in excess of 0.5 percent. Corridor blithely dismisses this statistic, arguing that the difference between 0.76 percent and 1.0 percent is "very close to the margin for error"

¹ See Report and Order, *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, 19 FCC Rcd 18279 (2004), at 18294, paragraphs

and should therefore be considered *de minimis*. Corridor further argues that the interference prediction model is of limited accuracy, and it is possible that KTBC-DT's viewers will suffer less interference than predicted; yet, by this same logic, it also is possible that KTBC-DT's viewers will suffer more interference than predicted.

Corridor also argues that there could be less interference if viewers were using more discriminating, externally-mounted receiving antennas than those assumed in the Longley-Rice interference prediction model. However, there is no factual basis for changing the parameters that have been the basis for the entire digital allotment scheme to date. The Commission's digital allotment policies are based on reasonable assumptions about consumer behavior, and assuming that consumers will pay for externally-mounted antennas in order to view digital signals over the air flies in the face of the evidence amassed to date.

Finally, Corridor not only asks the Commission prematurely to apply an interference standard it has proposed for after the digital transition, it also assumes without basis (1) that the Commission in fact will adopt that standard and, moreover, (2) would waive that standard to accede to Corridor's request for a channel change after the transition. Corridor cites the hardship of having to build out an undesired digital channel allotment, channel 5, now, assuming, without basis, that the Commission would change its channel to 8, over KTBC-DT's well-founded objection, after the transition. There are too many bootstraps here to count. It is understandable that Corridor does not want to incur the expense of building out two digital facilities, especially as it has managed to avoid building out even one for nearly a decade; however, numerous broadcasters, including KTBC, have found themselves in that position and have met the challenge.


Indeed, KTBC has exceeded its legal obligation, maximizing its soon-to-be obsolete channel 56 DTV facility to 1000 kW in order best to serve Austin viewers. It is some of these very viewers who will lose KTBC-DT's signal, should the Commission grant Corridor's waiver request.

Even more importantly, as the attached Engineering Statement of Kevin T. Fisher, of Smith and Fisher, indicates, operation of KCWX-DT on channel 8 will reduce considerably the station's service to the public. KCWX-DT's operation on channel 8 will serve nearly 140,000 fewer people than the station currently serves on channel 2. Furthermore, KTBC-DT and KLRN-DT would cause interference to approximately 30 percent of KCWX-DT's proposed channel 8 service population, while operation of KCWX-DT on channel 5 would increase its service population by 762,092 over the station's current channel 2 service population, and operation of KCWX-DT on channel 5 also would result in an increase of over 900,000 people served than its operation on channel 8.

For the foregoing reasons, KTBC must oppose Corridor's waiver request. Even assuming the Commission could find a way to circumvent the considerable legal impediments to such a grant, public interest considerations do not weigh in Corridor's favor. As stated above, while such a waiver might serve KCWX-DT's potential viewers, it would come at the expense of KTBC-DT's actual viewers. Particularly in light of the considerable resources KTBC-DT already has expended in maximizing its digital service to the public on a channel it has no choice but to relinquish after the transition, demonstrating steadfast commitment to furthering the digital transition, it would seem counter-productive to authorize operation on channel 8 that would have the effect of

diminishing KTBC's current and future service on channel 7. Under such circumstances, it is difficult to conclude that the overall public interest would be served by grant of Corridor's request.

Respectfully submitted,


Molly Pauken
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July 24, 2007

CERTIFICATE OF SERVICE

I, Linda Kay Givens, hereby certify that on July 24, 2007, a copy of the foregoing Opposition of KTBC License, Inc. to Comments and Waiver Request of Corridor Television, LLP, Licensee of KCWX, Fredericksburg, Texas, to Change its TCD from Channel 5 to Channel 8, was sent by First Class Mail, Postage Prepaid, to the following:

James A Stengel, Esq.
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Counsel for Alamo Public Telecommunications Council


Linda Kay Givens

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of KTBC LICENSE, INC., licensee of Television Station KTBC in Austin, Texas, in support its Opposition to the Further Comments and Waiver Request of Corridor Television LLP ("Corridor"), licensee of KCWX, Channel 2 in Fredericksburg, Texas, to change its tentative DTV channel designation ("TCD") from Channel 5 to Channel 8. The Commission has assigned Channel 7 with specific operating parameters to KTBC-DT for post-transition operation.

In its pleading, Corridor submits engineering which concludes that its proposed operation on Channel 8 will cause interference to 0.76 percent of the post-transition service population of KTBC-DT on Channel 7. This value is in excess of the Commission's allowable 0.1 percent interference standard for such proposals. Corridor then suggests that by altering the receive antenna's gain and front-to-back ratio in the Longley-Rice interference prediction model, the calculated interference to KTBC-DT is reduced to 0.33 percent, which is still greater than the allowable 0.1 percent level. Should the Commission allow the use of alternative receive antenna characteristics in the calculation of interference between television stations, then that standard should be applied to all assignments and to future interference studies.

In addition to the interference caused to KTBC-DT by the operation of KCWX-DT on Channel 8, the latter is predicted to receive significant interference from KTBC-DT and KLRN-DT, post-transition Channel 9 in San Antonio. Below is a tabulation of interference-free service populations calculated for analog KCWX on Channel 2,

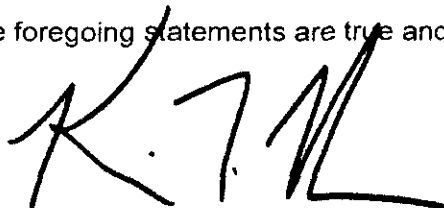
SMITH AND FISHER

KCWX-DT on Channel 5 (as assigned by the FCC), and proposed KCWX-DT on Channel 8.

<u>Channel Number</u>	<u>Interference-Free Service Population</u>
2 (analog)	2,205,955
5 (digital)	2,968,047
8 (digital)	2,066,963

As shown, proposed KCWX-DT on Channel 8 will serve nearly 140,000 fewer people than its present analog Channel 2 facility. ~~KVCB~~-DT and KLRN-DT would cause interference to nearly 30 percent of the proposed service population of the Channel 8 proposal for KCWX-DT. Conversely, operation of KCWX-DT on Channel 5 would result in an increase in service population of 762,092 over that presently served by the analog facility and an increase of more than 900,000 over that under the Channel 8 proposal. Clearly, the public interest is better served by assigning DTV Channel 5 to KCWX.

I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge and belief.


KEVIN T. FISHER

July 23, 2007